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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,707	03/30/2004	Rick Rowe	RROWE.0009P	7387
32856	7590	07/19/2007		
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,707

Applicant(s)

ROWE, RICK

Examiner

Thu Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Drawings

The drawings of March 30, 2004 are accepted by the Examiner.

Claim Objections

Claim 1 is objected to because of the following informalities: The word "an" as stated in claim 1 (limitation "a system for use in accessing an utilizing a financial") is confusing. Does Applicant meant "and"? Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gould (US 2001/0001856).

Re claim 1, Gould teaches a system for use in accessing an utilizing a financial account (para. 0018, 0056, and 0060) comprising:

a user device, said user device comprising a processor configured to execute program code, a memory adapted to store program code for execution by the processor, a

communication interface, and at least one information reading device (para. 0041 and 0058; fig. 1);

a master device, said master device comprising a memory storing information regarding at least one account and a communication interface (para. 0029 and 0034); and

at least one application, said application associated with said master device and transmitted over a communication link from said communication interface of said master device to said communication interface of said user device, said application configured to permit a user of said user device to access account information corresponding to at least one account (para. 0051-0053).

Re claim 2, Gould teaches information reading device comprises a bar code reader (para. 28-29 and 40).

Re claim 3, Gould teaches a printer connected to said master device, said printer configured to print a ticket bearing account information corresponding to an account (fig. 1).

Re claim 4, Gould teaches a method of creating and accessing a promotional financial account (para. 0018, 0056, 0058, and 0060) comprising the steps of:

creating information regarding at least one promotional account, said promotional account having associated value (figs. 2-3);

storing said information at a first device (fig. 1);

creating a ticket bearing account information, said account information identifying one of said promotional accounts (fig. 5);

associating said ticket with a product (para. 0060);

distributing said product to a customer (para. 0054 and 0031);

accepting said account information input by said customer to a second device
(fig. 6);

accessing said account identified by said account information (para. 0018, 0053,
and 0055-0056); and

permitting said customer to utilize said value associated with said identified
account (para. 0060).

Re claim 5, Gould teaches value comprises a plurality of points (para. 0060).

Re claim 6, Gould teaches transmitting an application from said first device to said
second device to permit said customer to access said account (para. 0018 and 0056).

Re claim 7, Gould teaches account information is represented by a bar code (para.
0015).

Conclusion


Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-
8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone
number for the organization where this application or proceeding is assigned is (571)
273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Thu Thao Havan
Art Unit 3691
7/15/07